

**REMARKS**

Initially, in the Office Action dated June 27, 2003, the Examiner rejects claims 1, 2, 4 and 5 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,519,886 (Gilbert et al.) in view of U.S. Patent No. 6,169,884 (Funk) and further in view of U.S. Patent No. 6,240,073 (Reichman et al.). Claims 6-9 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Gilbert et al. in view of Funk and Reichman et al. and further in view of GSM 04.08 version 4.19.1 (ETS 300,557). Claim 10 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Gilbert et al. in view of Funk and Reichman et al. and further in view of U.S. Patent No. 6,072,792 (Mazur et al.). Claims 11-18 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Gilbert et al. in view of Funk and Reichman et al. and further in view of U.S. Patent No. 6,091,741 (Fujiwara et al.). Claim 19 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Gilbert et al. in view of Funk and Reichman et al. and further in view of U.S. Patent No. 5,815,820 (Kiem et al.) and U.S. Patent No. 4,636,741 (Mitzlaff). Claims 21-22 and 24-30 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Gilbert et al. in view of Funk and Reichman et al. and further in view of GSM 04.08 (ETS 300,557). Claims 31-39, 41 and 42 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Gilbert et al. in view of Funk and Reichman et al. and further in view of Fujiwara et al.

35 U.S.C. §103 Rejections

Claims 1, 2, 4 and 5 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Gilbert et al. in view of Funk and further in view of Reichman et al. Applicants respectfully traverse these rejections.

Gilbert et al. and Funk have been discussed in Applicants' previously filed response. As noted previously, Gilbert et al. discloses a method for controlling the temperature of a wireless communication device. Gilbert et al. does not disclose or suggest manipulation of the operation of the actual power amplifier or transmitter and, therefore, cannot be regarded as disclosing a method or apparatus for controlling a transmitter, as recited in the claims of the present application. Funk merely discloses placing pauses during the transmission or changing the transmission power level of a mobile radio device when the temperature of the device as measured as a whole becomes too hot.

Reichman et al. discloses a return link for a satellite communication system suitable for use in any type of communications network such as networks used for Internet access purposes. The return link in combination with a forward link forms a complete two way communication system via satellite. The return link includes two separate communication schemes used in combination to implement the return link of the satellite system, a random access method, and a channel assignment method. Messages requiring a relatively low transmission rate, such as short bursting message, utilize the random access transmission method, whereas messages

requiring a higher transmission rate, such as video conferencing, utilize the channel assignment method.

Regarding claim 1, Applicants reassert all arguments submitted in Applicants' previous response. Applicants further assert that Reichman et al. does not overcome the substantial defects noted previously regarding Gilbert et al. and Funk. None of the cited references, taken alone or in any proper combination, disclose suggest or render obvious a mobile phone transmitter temperature control arrangement in which the transmitter operation is monitored by measuring the number of data bursts that are transmitted in a frame to give an indication of the transmitter temperature and/or heat output, and then using the monitored number of data bursts to control or regulate the transmitter operation accordingly. The Examiner asserts that Reichman et al. discloses monitoring of the criterion of number of bursts in a frame for controlling at least one output of a transmitter at col. 5, lines 35-59, col. 6, lines 19-43. However, these portions of Reichman et al. merely disclose the criteria for determining whether the first communication scheme or the second communication scheme is used for transmission based on the content and amount of data generated. This is not a transmitter operation being monitored by measuring the number of data bursts that are transmitted and using the monitored number of data bursts to control the transmitter operation accordingly, as recited in the claims of the present application.

Reichman et al. does not disclose or suggest anything related to the number of transmitted data bursts in a frame being monitored during a transmission. Further,

Reichman et al. does not disclose or suggest anything related to measuring of frames. Reichman et al. discloses only the measurement regarding the size of the whole data message as a precursor to transmission so that an appropriate transmission rate can be determined (see col. 5, lines 35-46 and col. 9, lines 52-64). The limitations in the claims of the present application are related to power management during transmission. In contrast, Reichman et al. is related to bandwidth and speed of transmission depending on the size of the data to be transmitted.

Applicants submit that there would be no motivation for one skilled in the relevant art to combine Reichman et al., Gilbert et al. and Funk since Reichman et al. is not related at all to the present application. Gilbert et al. discloses a communication device having a particular portion subject to an increase in temperature resulting from the transmissions, whereas Funk disclose monitoring the temperature of the entire mobile radio device. Reichman et al. relates to the field of satellite communications and has nothing to do with TDMA radio communication networks in which different users are separated by employing multiple frequencies divided up into multiple time slots of a communication frame, as in the present application. Reichman et al. merely relates to deciding which type of communication means should be used for transmitting a given message data based on the amount of data and content of data that is to be sent. Message data to be sent is first quantified prior to transmission so that the appropriate communication mechanism (rate) can be assigned for the transmission of that message data. If the amount of

data to be transmitted requires only a low transmission rate, than the transmission mechanism uses short bursty messages in a random access transmission method, while those messages requiring a higher transmission rate utilize a channel assignment method (see col. 4, lines 58-65). Regardless of which communication scheme is used, Reichman et al. does not disclose or suggest anything related to the possibility that transmission at this scheme (or rate) might lead to overheating of the transmitter. Reichman et al. merely chooses the transmission scheme and transmits at the determined rate, regardless of the heat generated. Clearly, these references teach away from each other, and there would be no motivation for one skilled in the art to combine these references. Further, the combination fails to achieve the claimed invention.

Regarding claims 2, 4 and 5, Applicants submit that these claims are dependent on independent claim 1 and, therefore, are patentable at least for the same reasons noted regarding this independent claim.

Accordingly, Applicants submit that neither Gilbert et al., Funk nor Reichman et al., taken alone or in any proper combination, disclose, suggest or render obvious the limitations in the combination of each of claims 1, 2, 4 and 5 of the present application. Applicants respectfully request that these rejections be withdrawn and that these claim be allowed.

Claims 6-9 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Gilbert et al. in view of Funk and Reichman et al. and further in view of ETS 300,557. Applicants submit that these claims are dependent on

independent claim 1 and, therefore, are patentable at least for the same reasons noted previously regarding this independent claim. Applicants submit that ETS 300,557 (discussed in Applicants' previous response) does not overcome the substantial defects noted previously regarding Gilbert et al., Funk and Reichman et al. Accordingly, Applicants submit that none of the cited references taken alone or in any proper combination, disclose, suggest or render obvious the limitations in the combination of each of claims 6-9 of the present application. Applicants respectfully request that these rejections be withdrawn and that these claims be allowed.

Claim 10 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Gilbert et al., Funk, Reichman et al. and further in view of Mazur et al. Mazur et al. has been discussed in Applicants' previous response. Applicants assert that claim 10 is dependent on independent claim 1 and, therefore, is patentable at least for the same reasons noted regarding this independent claim. Mazur et al. does not overcome the significant defects noted previously regarding the other cited references. Accordingly, Applicants submit that none of the cited references, taken alone or in any proper combination, disclose, suggest or render obvious the limitations in the combination of claim 10 of the present application. Applicants respectfully request that these rejections be withdrawn and that this claim be allowed.

Claims 11-18 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Gilbert et al., Funk, Reichman et al. and further in view of

Fujiwara et al. As has been noted previously, all of these references have been discussed in Applicants' previous response. Further, the addition of Reichman et al. does not overcome the substantial defects noted previously regarding these other references. Specifically, none of the cited references, taken alone or in combination, disclose or suggest controlling a transmitter of a portable radio communication apparatus where a transmitter tracks data bursts during one or more of the time slots in a frame, monitoring the number of data bursts transmitted on time slots in a frame, or comparing the monitored number with a predetermined limit and changing the operation of the transmitter if the monitored number falls outside the predetermined limit. As noted previously, Gilbert et al. and Funk have been discussed in Applicants' previously filed response. Reichman et al. does not overcome the substantial defects noted previously regarding Gilbert et al. and Funk. Reichman et al. does not disclose or suggest anything related to the number of transmitted data bursts in a frame being monitored during a transmission. Reichman et al. does not disclose or suggest anything related to measuring of frames. Reichman et al. discloses only the measurement regarding the size of the whole data message as a precursor to transmission so that an appropriate transmission rate can be determined. In addition, Reichman et al. does not disclose or suggest anything related to comparing the monitored number with a predetermined limit and changing the operation of the transmitter if the monitored number falls outside the predetermined limit, as recited in the claims of the present application.

Accordingly, Applicants submit that none of the cited references, taken alone or in any proper combination, disclose, suggest or render obvious the limitations in the combination of each of claims 11-18 of the present application. Applicants respectfully request that these rejections be withdrawn and that these claims be allowed.

Claim 19 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Gilbert et al. in view of Funk and Reichman et al. and further in view of Kiem et al. and Mitzlaff.

Mitzlaff discloses multilevel power amplifying circuitry that may be advantageously utilized in duplex portable radio transceivers which may be inserted into a vehicular adapter for operation from the vehicle battery. Upon detecting the presence of the vehicular adapter, the power amplifier may be operated at a second set of power levels which include levels greater than a first set of power levels for portable operation. The multilevel power amplifying circuitry may be advantageously utilized in a variety of applications where duplex battery operated radio transceivers may be inserted into a vehicular adapter for operation from the vehicle battery.

Applicants reassert all remarks asserted in Applicants' previous response. The Examiner asserts that Mitzlaff discloses monitoring a transmission power level, if above a predetermined level then the maximum output power level is decreased by changing the power class mark. However, the Examiner has misinterpreted the Mitzlaff reference. Mitzlaff does not disclose or suggest anything related to monitoring a transmission power level and determining if this level is above a



predetermined level. Mitzlaff discloses determining if the power amplifying circuit is in a portable transceiver and therefore adjusting the power level accordingly. This is not monitoring a transmission power level, or comparing a monitored transmission power level with a predetermined level, as recited in the claims of the present application.

Accordingly, Applicants submit that none of the cited references, taken alone or in any proper combination, disclose, suggest or render obvious the limitations in the combination of claim 19 of the present application. Applicants respectfully request that these rejections be withdrawn and that this claim be allowed.

Claims 21, 22 and 24-30 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Gilbert et al. in view of Funk, Reichman et al. and further in view of ETS 300,557. Applicants reassert all remarks asserted in Applicants' previously filed response. Applicants submit that the addition of Reichman et al. does not overcome the significant defects noted regarding the other cited references. Further, as noted previously, Reichman et al. does not relate at all to the limitations in the claims of the present application in that it solely relates to the field of satellite communications and not radio communication networks. As noted previously, Reichman et al. does not disclose or suggest anything related to transmitted data bursts in a frame being monitored during a transmission and its association with heat generated by the transmitter, as recited in the claims of the present application.

Accordingly, Applicants submit that none of the cited references taken alone or in any proper combination, disclose, suggest or render obvious the limitations in

the combination of each of claims 21-22 and 24-30 of the present application. Applicants respectfully request that these rejections be withdrawn and that these claims be allowed.

Claims 31-39, 41 and 42 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Gilbert et al. in view of Funk and Reichman et al. and further in view of Fujiwara et al. Applicants reiterate comments made regarding independent claim 1 above. The Examiner adds Reichman et al. in combination with the other cited references. However, as has been noted previously, Reichman et al. does not relate to the limitations in the claims of the present application, and fails to overcome the significant defects noted in the other cited references.

Accordingly, Applicants submit that none of the cited references taken alone or in any proper combination, disclose, suggest or render obvious the limitations in the combination of each of claims 31-39, 41 and 42 of the present application. Applicants respectfully request that these rejections be withdrawn and that these claims be allowed.

In view of the foregoing amendments and remarks, Applicants submit that claims 1, 2, 4-19, 21, 22, 24-39, 41 and 42 are now in condition for allowance. Accordingly, early allowance of such claims is respectfully requested.

U.S. Application No. 09/342,843

To the extent necessary, Applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of Antonelli, Terry, Stout & Kraus, LLP, Deposit Account No. 01-2135 (referencing attorney docket no. 367.39585X00).

Respectfully submitted,

ANTONELLI, TERRY, STOUT & KRAUS, LLP



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Frederick D. Bailey  
Registration No. 42,282

FDB/sdb  
(703) 312-6600